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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
(Billings Division)**

SIGNAL PEAK ENERGY, LLC,

Plaintiff,

v.

EASTERN MONTANA MINERALS,
INC., and MUSSELHELL RESOURCES,
LLC,

Defendants.

Case No.: 1:12-cv-00055-RFC

**DEFENDANTS' REPLY IN
SUPPORT OF THEIR MOTION
FOR LEAVE TO FILE A SINGLE
RESPONSE BRIEF NOT TO
EXCEED 11,000 WORDS**

EASTERN MONTANA MINERALS,
INC., and MUSSELSHELL RESOURCES,
LLC,

Counterclaim Plaintiffs,

v.

SIGNAL PEAK ENERGY, LLC;
FIRSTENERGY CORP.; FIRSTENERGY
VENTURES CORP.; FIRSTENERGY
GENERATION CORP.; GUNVOR
GROUP, LTD.; PINESDALE LLC;
BOICH COMPANIES, LLC; WMB
MARKETING VENTURES, LLC;
GLOBAL COAL SALES GROUP, LLC;
and GLOBAL MINING HOLDING
COMPANY, LLC,

Counterclaim Defendants.

Defendants/Counterclaim Plaintiffs Eastern Montana Minerals, Inc. and Musselshell Resources, LLC (collectively “EMM”), respectfully submit this Reply in support of their Motion to allow them to exceed the word limit of 6,500 set forth in Loc. R. 7.1(d)(2)(A) and file a single Response (not to exceed 11,000 words) to the ten (10) Motions to Dismiss currently pending before this Court.

First, the only parties that can remotely be said to be prejudiced by the granting of this Motion are EMM (and obviously, EMM do not believe that to be the case). Rather than having the equivalent of 65,000 words to address the Counterclaim Defendants’ ten (10) separate Motions to Dismiss (6,500 words per Motion), EMM are merely asking for 11,000 words.

Second, and contrary to Gunvor and Pinesdale's representation, EMM are not requesting an enlargement that "effectively double[s] the size of its opposition brief." *See* Gunvor/Pinesdale's Objection at 3.

Third, and perhaps most importantly, Gunvor and Pinesdale mislead this Court when they attempt to argue that their Motions to Dismiss "detail[] the specific deficiencies with EMM's pleading as to *Gunvor and Pinesdale*...." *Id.* (emphasis in the original). Rather, Gunvor and Pinesdale's Motions to Dismiss largely parrot, and indeed detail, the same alleged deficiencies as nearly every other Counterclaim Defendant. Thus, it is only practical to address similar situated arguments all at once, rather than the piecemeal approach that Gunvor and Pinedale seek to force upon EMM.

All Counterclaim Defendants were made aware early on that EMM intended to try and lighten this Court's load by combining responses – in fact, Gunvor and Pinesdale even agreed to an extension to allow EMM to accomplish that very thing. *See* Dckt. # 65. In the end, EMM are merely trying to avoid forcing this Court to have to review ten (10) Briefs (nearly all of which assert, *verbatim*, the same arguments), followed by ten (10) Responses, followed by another ten (10) Replies.

EMM respectfully ask that they be allowed to lighten everyone's load and simply file one Response limited to 11,000 words.

DATED this 15th day of August, 2012.

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CERTIFICATE OF COMPLIANCE

Pursuant to Rule 7.1(d)(2)(e) of the U.S. District Court for the District of Montana, I certify that this document is printed with a proportionately spaced Times New Roman text typeface of 14 points; is double spaced; and the word count calculated by Word is 337, excluding the Caption, Signature Line, and Certificate of Compliance.

DATED this 15th day of August, 2012.

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